

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RANDOLPH DON RUOSS,	:	
Petitioner,	:	
	:	
v.	:	NO. 08-172
	:	
COMMONWEALTH OF	:	
PENNSYLVANIA et al.,	:	
Respondents.	:	

**ORDER**

**AND NOW**, this 26<sup>th</sup> day of June, 2008, it is **ORDERED** that Petitioner's Objections to the Report and Recommendation (Doc. # 14) are **OVERRULED**.<sup>1</sup> The Report and Recommendation (Doc. # 12) is **ADOPTED**. There is no basis on which to issue a certificate of appealability.

/s Anita B. Brody

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Anita B. Brody, J.

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<sup>1</sup> Although Petitioner has filed a "Response" to Magistrate Judge Strawbridge's Report and Recommendation, Petitioner has made no actual objections. Instead, he asks "for some kind of [legal] representation" in pursuing the claims already advanced in his original petition. See Doc. # 14, p. 1. However, Petitioner has shown that he is more than able to argue these claims pro se yet simply has chosen not to do so here.

This ability is demonstrated by his memorandum of law in support of his original petition. See Doc. # 1-2. In that document, he marshals case law from seven different regional circuit courts of appeal and applies those cases to the facts of his trial. Further, he organizes his brief in a formal structure often seen in counseled legal documents. This skill is underscored by his reply brief in support of his original petition. In that brief, petitioner puts forth responsive arguments and cites governing case law, again employing a sophisticated formal structure. See Doc. # 10. Because Petitioner has evidently chosen not to apply his legal skill in objecting to Judge Strawbridge's Report and Recommendation, I must adopt that Report and Recommendation and deny habeas relief.

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